

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DAVID W. WOOD

v.

No. 3:15-cv-594-MHL

CREDIT ONE BANK, N.A.

DECLARATION OF DAVID W. WOOD

I, David William Wood, am the age of majority and have personal knowledge of the facts herein. I am competent to make this Declaration and I do so under the laws of the penalty of perjury of the United States.

1. After learning that Credit One Bank had falsely reported that I had a defaulted account, I contacted Credit One Bank over 25 times by telephone and in writing, spending approximately 30 hours of my time directly disputing the account and trying to get it fixed. At that time, my base wage without holiday or overtime pay was about \$12.00/hour. Even if I was only making my basic wage, I estimate my out of pocket loss of time to be at least \$360.00.
2. I also had to search the internet for help with this problem when Credit One wouldn't fix it. I spent at least 60 hours searching for information about identity theft, familial identity theft, and credit reporting. Even at my basic wage, this research caused me to lose about \$720.00 in lost time.
3. I had to find a lawyer to help me when all my other efforts failed. I wrote the dispute letters to the consumer reporting agencies and had to mail them. This took me about 2 hours of my time, causing me to lose about \$24.00. I spent

approximately \$55.00 on postage to mail the letters, including one set that I sent certified, return receipt requested.

4. After my disputes were ignored and Credit One verified the account, I had to spend more time with the attorneys to get the case ready to file. I had to provide all the documentation I had gathered and work with the attorney to develop the complaint that was filed. I participated in discovery, and to prepare for and appeared for testimony in a 6-hour deposition. Altogether, I estimate I have spent 15 hours participating in litigation. Even at the minimum wage, this would be a loss of \$ 180.00.
5. I have suffered many credit denials since disputing through the credit reporting agencies. Since July of 2014, and I applied for credit from several lenders, but was denied each time based on the information in my credit report that showed the defaulted Credit One Bank account.
6. I applied for credit/debit from and Comenity/PayPal in 2016 so that I could use my PayPal balance to make other purchases other than online. I was denied even for this debit card because of the defaulted account.
7. In October of 2014, I applied for a personal loan from Spring Leaf Financial, but was denied. I attempted to get the Spring Leaf loan, I believe was in an amount about \$12,000.00 in order to put a home on a piece of land I own in New Kent County, Virginia, but was denied. I hoped that if I could put a home on the land in New Kent, I could avoid the repeated denials by landlords when I applied to rent an apartment.
8. In March 2016, I applied for an \$8,000.00 construction loan from Wells Fargo, again in order to put a structure on a piece of land I own in New Kent County,

Virginia, but was denied. I hoped that if I could put a home on the land in New Kent, I could avoid the repeated denials by landlords when I applied to rent an apartment.

9. I applied for credit from Eastern Virginia Bank in October of 2014, but was denied. I applied for \$8,000.00 from EVB in order to put up a home on my land in New Kent County.
10. I even put my motorcycle valued at \$7,000.00 and the land valued at that time \$8,000.00 up as collateral, and the lenders refused to loan me even the small amount I had applied for because of defaulted credit.
11. After getting turned down by Wells Fargo for such a modest loan, the loan officer there told me that if I continued to apply for credit, it would make my credit report even worse than it already was.
12. I tried to explain to the loan officers what had happened, but they didn't believe me. I felt stupid hearing this information from the people at the bank. I felt hopeless, that there was no way I was ever going to resolve this fraud. I felt that I would end up on the street.
13. After many turndowns, and after learning that to continue to try to get credit could hurt me even more, I withdrew from the credit market so that I didn't have to keep wasting time in applying and getting turned down, and also because it would further make my credit worthiness look even worse if I wasn't going to get approved anyway.
14. I was fearful that when new prospective creditors would view my report, they would think that I was the person who defaulted on the Credit One Bank account,

- when I had not. I was so worried that people viewed me as untrustworthy and that I had really defaulted on that account when I hadn't, despite any explanation.
15. I thought that these complete strangers would think that if I was maxed out and defaulted, it would look like I was living off loans instead of being a financially responsible person.
16. I was not able to rent an apartment or trailer due to the fact that landlords would pull my credit report. As soon as a landlord saw the Credit One Bank account on my credit report, I was turned down.
17. The only place I could go was where I could rent a single room out of someone's home. I found that living arrangement was dangerous and toxic because the I felt the people that I rented from were unstable. I feared for my safety and well-being. I tried not to spend much time there.
18. I applied for at least three different leases for a place to live after July of 2014. Each time, the landlord pulled my credit and then denied my application to lease. For instance, in September of 2014, my credit report shows that Universal Investors pulled my credit report from Equifax, which resulted in my application for an apartment being turned down.
19. Since July of 2014, and before that, I moved from place to place, occasionally staying with friends, sometimes renting rooms, and even living in my car.
20. I lived in my car for approximately one month total, and at times, it was well below freezing. I spent those nights in the freezing cold car, lying awake and unable to sleep until sunrise all the while knowing that Credit One Bank had caused my credit report to look so bad that I could not live in an apartment or home.

21. I didn't have a normal life because I was essentially homeless. My social relationships with friends were strained because I felt that I imposed on them. I didn't feel like socializing because I felt that I had not been able to do anything with my life. I felt embarrassed that I had no place to call home and I was under tremendous stress that caused me to stop seeking contact with my friends, further separating me from relationships that had brought me happiness. All of this because of my credit report.
22. I used to love to be current on what was going on in pop culture, which I lost interest in and access to when I was without a place to call home from the beginning of 2014 through July of 2015.
23. The failure of Credit One Bank to resolve the dispute also created more strain on my relationship with my mother, with whom I have not been able to repair our relationship in part based on Credit One's refusal to correct the account. Every time that I have received a denial of credit based on the default reported by Credit One, I have felt anger toward my mother, creating more and more distance in our relationship.
24. I have been employed this whole time. I am a certified nursing assistant. But, having income and a job doesn't necessarily mean you can fully participate in society without a good credit report.
25. I would like to get more education to improve my economic circumstances, but I cannot qualify for a loan in an amount I need to finish school because of my credit report. I applied for a private education loan was turned down based on my consumer report. Being prevented from achieving higher education has prolonged my progression from my current wages to a higher wage. It has also

made me feel ashamed and hopeless for my future ability to earn money, have a place to live, and to have security.

26. One of the biggest impacts that the false account has had on me is that it has made me insecure – whether it is in the ability to obtain financing for a car, to have a place to live, to get more education, my credit report that is saddled with a false account prevents me from bettering myself. I believe that I have lost and delayed economic opportunities, making me feel hopeless and afraid.
27. By not having a place to live, I haven't had the ability to pursue my passion, which is video editing, film-making and visual effects. I need a place to work to create my artistic designs, and I can't do that effectively when I don't have a permanent place to work on this.
28. I have earned money from this passion of mine. I earned \$4000.00 for my work on a short film with a working title of *Supernatural Killers* in 2009. After that, I earned a total of approximately \$12,000 until 2013. I also posted samples of my work to YouTube, for which I was paid about \$100 from 2012 – 2014. Since 2014, I have not been able devote time to this craft because I don't have a suitable place to do it.
29. Credit One has always known that it had no evidence that I opened the account, yet it refused to fix it. Even when I made disputes the way I was supposed to through the credit reporting agencies, it knew. This fact that they know I am not responsible for the account, and yet they refuse to correct it, causes me to experience anger, frustration and inconvenience.
30. It has been inconvenient and frustrating because I have had to find lawyers to help me, and it wasn't easy. It is not obvious that you have to dispute directly to the

consumer reporting agencies instead of wasting time with Credit One Bank, who won't fix it no matter what.

31. I have lost countless hours of sleep worrying about Credit One Bank and its refusal to correct the account. It's made me tired, including at work where I really need to be at my best. I have felt sick to my stomach when I think about the stress that I am under as a result from the Credit One report. It has obviously affected my relationship my mom. Even though my mom signed an affidavit stating that she was responsible, everytime Credit One Bank verified the account and refused to correct this, my stress and anger level increases.
32. I have wanted to get my own place to live and get on with my life, but I haven't been able to do that. My anger, frustration, sleepless nights and feelings of sickness have not only continued, but have increased and every day that Credit One persists in reporting this trade line.
33. The inability to correct this obvious identity theft that my mother admitted to makes me feel even more demoralized. Even when I proved I am not responsible for the account, I still could not get a decent place to live, obtain a credit card, a car loan, or a small loan to improve my land.
34. This whole experience has caused me so much stress, I have wondered when and how I will have a future. I have felt angry and scared that someone like Credit One Bank could have taken control like it did, ruin my credit, and intentionally refuse to do anything to correct the mistake.

Signed this 21 day of September, 2016, in Newport News, VA.

_____